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The Cost of Copyright Confusion for Media Literacy

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EXECUTIVE SUMMARY

The fundamental goals of media literacy education—to cultivate critical thinking about media and its role in culture and society and to strengthen creative communication skills—are compromised by unnecessary copyright restrictions and lack of understanding about copyright law, as interviews with dozens of teachers and makers of media literacy curriculum materials showed.

In K-12, higher education, and after-school programs and workshops, teachers face conflicting information about their rights, and their students' rights, to quote copyrighted material. They also confront complex, restrictive copyright policies in their own institutions. As a result, teachers use less effective teaching techniques, teach and transmit erroneous copyright information, fail to share innovative instructional approaches, and do not take advantage of new digital platforms.

This is not only unfortunate but unnecessary, since copyright law permits a wide range of uses of copyrighted material without permission or payment. Educational exemptions sit within a far broader landscape of fair use. However, educators today have no shared understanding of what constitutes acceptable fair use practices.

Media literacy educators can address this problem with the same techniques they use in their work: increasing shared knowledge. Like other creative communities, such as documentary filmmakers, media literacy educators from K-12 to university level can articulate their own shared understandings of appropriate fair use in a code of practice. This code can educate not only themselves and their colleagues, but their students and administrators. Finally, their code can guide and instruct other educators, in formal and informal settings, who use copyrighted material in their teaching for a wide range of educational purposes and goals.

INTRODUCTION

George Abell's high school students analyze persuasion techniques used in advertising. But they don't analyze real ads—Abell is too afraid he might run afoul of copyright restrictions. Instead, he spends time in the summer creating dummy ads for them to analyze. They're not as good, as interesting, or as persuasive. But he's confident he's within the school's guidelines.

Cheryl Jenkowski-Knowles's students create and analyze art by inserting themselves into portraits from European seventeenth- and eighteenth-century painters. The original project, suggested by a student, was to use album-cover art, but Jenkowski-Knowles wants to stay clear of any question of using copyrighted materials.

In Kwame Nelson's social studies classes, students make mashups that draw from popular music and the latest political news, as audiovisual op-eds about current affairs. But they don't show them on the school's closed-circuit TV system. It might be a copyright violation.

Each of these examples—hypothetical situations drawn from real teachers' experiences—demonstrates the powerful relationship between beliefs about copyright and teaching practice. Just how pervasive are the effects of copyright beliefs on teaching about popular culture, and what do they mean for the quality of teaching? In order to understand the creative consequences of copyright practices, Temple University's Media Education Lab, American University Washington College of Law's Program on Information Justice and Intellectual Property, and American University School of Communication's Center for Social Media jointly conducted interviews in 2007 with 63 educators, educational media producers, and organization leaders in media literacy. Interview subjects were recruited through national membership organizations. Research methodology and names and affiliations of all interview participants are available in the appendix.

MEDIA LITERACY AND COPYRIGHT

Media literacy education imparts "the ability to access, analyze, evaluate, and communicate messages in a wide variety of forms," as established in an Aspen Institute conference in 1993. These teaching practices depend vitally on the ability of educators to display and manipulate copyrighted materials from mass media and popular culture. Media literacy teaching occurs at the college and university level, in high schools and elementary schools, with parents, and in environments like adult education, youth media, and public access centers. It occurs within curricula as diverse as English, social studies, the fine and performing arts, and health education.

Media literacy teachers teach analytic skills with examples of news, advertising, reality shows, comedies, sports programs, music videos, documentaries, and even home shopping shows. They teach production skills along with critical thinking by assigning students to produce new work that in part comments on or draws from existing work. For instance:

Heidi Whitus, a teacher at the Communication Arts High School in San Antonio, Texas, uses film and television clips to discuss and analyze the form and structure of audio-visual communication, exploring issues of authorship, representation, technology, and culture. She digitizes clips from programs she records, using QuickTime files that her students can use as well.

Cyndy Scheibe, a psychology professor and director of Project Look Sharp, a media literacy initiative at Ithaca College, uses comic strips from newspapers to involve students in a critique and commentary of the implied information and perspectives embedded in them. Her team at Project Look Sharp has created online curriculum materials about the media's representation of the Middle East that features a clip from the Disney film *Aladdin*.

Caleb Smith, who teaches film and video at the Capital Area School for the Arts in Harrisburg, Pennsylvania, uses a "falsification" assignment. His students use digitized copies of television programs and re-edit a scene from television programs he has digitized, to communicate a different meaning than the original episode.

MEDIA LITERACY

Core concepts. Building upon ideas from communication, literary theory, cultural and media studies, and semiotics, educators internationally have developed key concepts (with slight differences in different places):

- All messages are constructions, created by authors for specific purposes.
- People use their knowledge, skills, beliefs, and experiences to construct meaning from messages.
- Different forms and genres of communication use specific codes, conventions, and symbolic forms.
- Values and ideologies are conveyed in media messages in ways that represent certain world views, shaping perceptions of social reality.
- Media messages, media industries, and technologies of communication exist within a larger aesthetic, cultural, historical, political, economic, and regulatory framework

Core pedagogical principles. Media literacy education:

- requires active inquiry and critical thinking about the messages we receive and create
- expands the concept of literacy to include all forms of media
- builds and reinforces skills for learners of all ages, with integrated, interactive, and repeated practice
- recognizes that media are part of culture and function as agents of socialization
- affirms that people use their individual skills, beliefs, and experiences to construct their own meanings from media messages

Core teaching methods practiced by media literacy educators include:

- close analysis and deconstruction
- formal and informal media production.

Media literacy educators engage copyrighted works as users, creators, and teachers, and they share certain values about the use of copyrighted material, consistently expressed by all interviewees. While they respect the rights of owners of intellectual property, they also believe that it is necessary to use copyrighted works for the purpose of strengthening students' critical thinking and communication skills. The entire cultural environment, they noted in interviews, is copyrighted. "Copyrighted materials are like our cultural landscape," said one teacher. This means that limiting access to copyrighted materials is limiting access to existing culture. "We should have access to our culture and be able to talk about it and comment on the world around us," said media educator and video artist Diane Nerwen. Another teacher suggested, "By overprotecting owners, we run the risk of stifling the creative flow of cultural information." This was a common perspective. One teacher said, "Owners are overprotected at this point in time. The law is going over and above the original intent."

Many teachers saw access to copyrighted expression for teaching as central to educating citizens. "A literate citizenship cannot be created if the people who control images don't allow them to be used," one explained. "We need to balance copyright ownership with other considerations, such as the democratic exchange of ideas and a healthy democracy."

Most teachers interviewed believed that the use of contemporary mass media materials also helps them connect new ideas to students' existing knowledge base. As one interviewee put it, "Teaching is just better when we can pull from a lot of different sources." They make active as well as discursive use of media material; through imitation, their students confront

Too many teachers fear they will misinterpret fair use or are simply unaware of its expansive nature.

their own spin. It helps show kids how they can present their own point of view," said one. Freely quoting from popular culture helps young students make connections between school and their lived experience; they even think it's fun.

Over the past ten years, there has been a remarkable increase in copyright consciousness, and teachers have seen dramatic changes in their practice. "Up until the late 1990s, there was no concern. We used copyrighted materials in whatever way we wanted to," one teacher said. "I never thought much about it. We used popular music, clips from videos, films, whatever. Sometime in the late 1990s, we got the message: this will cease 100 percent."

Until the current era, many teachers often simply relied on fair use—whether or not they knew they were doing that—in the classroom. A few still do, and the Media Education Foundation as a matter of policy employs fair use in its media literacy videos. But many teachers and producers of media literacy materials now worry that they will misinterpret fair use or are simply unaware of its expansive nature.

HOW COPYRIGHT LAW PROVIDES FOR EDUCATIONAL USE

Fair use is the most important tool in copyright for educators. It is a venerable doctrine, first devised by federal judges more than 150 years ago, and explicitly incorporated into Sec. 107 of the Copyright Act in 1976. It is intended to balance the rights of users with the rights of owners, by encouraging the widespread and flexible use of cultural products.

Fair use is not the only copyright doctrine that favors educators. The fairly narrowly drawn exemption provided in sec. 110(1) of the 1976 act initially covered certain “face-to-face” teaching activities, such as screening films to stimulate classroom discussion; the 2002 “TEACH Act” amended it to reach some kinds of “distance learning” (subject to a raft of

sometimes onerous conditions). But much of what media literacy educators and other teachers do (or want to do)—use media material in their teaching practices and to enable students to do likewise—simply isn’t covered by the exemptions—which makes fair use critically important to them.

Fair use creates a kind of situational public domain.

More than any other feature of copyright law, fair use recognizes the core speech values enshrined in the First Amendment. In effect, the doctrine creates a kind of situational public domain. The Copyright Act, rather than specifying acceptable uses, sets forth a number of considerations that courts and other decision makers should take into account in deciding whether, on balance, a particular unlicensed use of copyrighted material should be permitted rather than forbidden. Today, courts’ analyses of fair use issues tend to center on one question: Whether the use in question is “transformative,” in the sense that it adds value to the copyrighted material and employs it for a purpose different from that for which it originally was intended. Transformativeness can involve modifying material or putting material in a new context, or both. (See, for example, the record in litigation over documentary film and fair use, at centerforsocialmedia.org/videos/sets/fair_use_case_studies, and a scholarly discussion of transformative analysis at centerforsocialmedia.org/files/pdf/fairuse_motionpictures.pdf.)

The flexibility of doctrine is one of its great strengths, but it also can be a source of frustration to would-be users (or their supervisors) who seek absolute certainty that they are not breaking the law. Efforts to provide additional clarity actually may have caused more confusion rather than less—especially in the dynamic field of media literacy. Various sets of

so-called “fair use guidelines” are too often misunderstood as authoritative statements of the doctrine’s outer limits rather than as what they really are: attempts to ease the plight of users by specifying relatively narrow “safe harbors” within fair use. The problem is compounded by the fact that educational institutions have crafted their own internal policies on the basis of this crucial misunderstanding. Web sites and print materials for educators frequently add to the confusion.

The confusion over the role of fair use guidelines began when, in the run-up to the 1976 revision of the Copyright Act, Congressman Robert Kastenmeier brought together representatives of publishers and educators to negotiate an “Agreement on Guidelines for Classroom Photocopying in Not-For-Profit Educational Institutions.” The guidelines that emerged (and are now widely available on library and college Web sites) were drafted primarily by the publishers and were included in the legislative history, despite letters of protest from representatives of the American Association of University Professors and of the Association of American Law Schools.

Educational-use guidelines—restrictive to begin with—have become less and less relevant to actual educational practice over time, as teachers’ practices have modernized and new technologies have entered the school environment. Nevertheless, because these original guidelines are part of the legislative record, they continue to carry some weight, as do the contemporaneous (although less well-known) “Guidelines for the Educational Use of Music,” also widely available on the Web: Uses that fall within them are presumptively considered fair, while those that do not must be considered on their own merits (by applying the logic of fair use). The “Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes” which finally emerged in 1981 (after a protracted negotiation initiated by Chairman Kastenmeier) are less authoritative than the earlier ones, because they were not part of the original legislative package. Considered together, however, these guidelines all make clear a small but entirely undisputed center of guaranteed safety, a kind of fair use fortress, in a much larger field of possibility that the doctrine provides.

From late 1994 to 1998, the U.S. Patent and Trademark Office facilitated a series of meetings known as the Conference on Fair Use (CONFU). The stakeholders failed to agree about “safe harbors” for various kinds of educational and library uses involving new digital technologies. One of the participants, the Consortium of College and University Media Centers (CCUMC) on its own produced a highly restrictive set of guidelines for educational multimedia production, which were endorsed by the publishing, movie, and

record industries. Copyright and Patent Office officials also endorsed them and announced them, in 1996, in a “Nonlegislative Report: by the House IP Subcommittee.” This *does not* give these guidelines any special legal status, especially since they do not represent a consensus of educators’ views. In fact, the CCUMC “Proposal for Fair Use Guidelines for Educational Multimedia”—also now found on numerous websites directed at teachers—were squarely rejected by the major national library associations, the National Association of State University and Land Grant Colleges, and a K-12 coalition led by the National School Boards Association. Law professor Kenneth Crews’s 2001 “The Law of Fair Use and the Illusion of Fair-Use Guidelines,” in the *Ohio State Law Journal*, shows how the guidelines have hampered understanding of the law.

Recently, efforts to better define educational fair use have acquired special urgency in connection with so-called “anti-circumvention” legislation. Provisions of the 1998 Digital Millennium Copyright Act prohibit efforts to avoid technological protections (like the DCSS code on commercial DVDs) that copyright owners use to protect themselves against piracy and other unauthorized uses. Initially, there was concern that where media materials were available only in commercial digital formats, the effect of the DMCA would be to trump fair use. Recently, the U.S. Copyright Office authorized a DMCA exception for some teachers who use media in their classrooms. Where a media studies or film studies professor intends to make lawful (exempt or fair) use of a clip from a copyrighted movie, and a DVD of that movie is part of the department’s film library, the teacher may rip the disk to get the clip (copyright.gov/1201). Now that this educational fair use has been granted an exception, exceptions for other teaching practices may follow.

Educational fair use is at the heart of U.S. copyright doctrine. Too often, however, fair use guidelines are taken as exhausting the universe of possibilities, rather than describing a small bunker on a much larger landscape. In particular, the CCUMC guidelines enjoy credibility to which they are not entitled. Today, more than ever, educators need to know about the full range of reasonable fair uses available to them and their students.

HOW TEACHERS (MIS)LEARN COPYRIGHT—AND WHY THEY DISLIKE IT

In what settings do media literacy teachers learn about their duties and their rights under copyright? And what do they know? Teachers interviewed for this study showed a wide range of confidence about their copyright knowledge. Some talked about plagiarism and copyright in ways that suggested they were interchangeable concepts. Most participants in our research study had numerous questions about what is permitted under the law.

They had received plenty of messages about copyright ownership. For those who work in institutions, media librarians, technology specialists, distance learning coordinators, school administrators, webmasters, and even photocopy staff all provide copyright information. This education is often conducted ad hoc, and in negative terms. “It takes more energy and time to learn the rules than it does to play it safe,” one educator told us. “The easy thing is to say, ‘no.’” One teacher in our study explained, “Our librarian came in and told us that we were personally liable for copyright violations and our school would not protect us if there was a lawsuit.” Librarians were often described as “sticklers” or “copyright police.” In turn, librarians interviewed often said they hated being seen as “enforcers.” Media specialists tend to be the enforcers because, at many schools, they are in charge of the acquisition of multimedia materials.

For some educators, peers and colleagues are key sources of information, as are events at professional conferences and films and documentaries on the topic. Web sites are also a common source of information. Some teachers educate themselves with books such as Carol Simpson’s *Copyright Catechism*. Widely used in K-12 education, the book interprets educational fair use in a highly conservative way. In addition, all the educators in our study were aware of the various educational fair use guidelines, which many spoke of as codified law. Most misunderstood the limited role of these guidelines.

Educators have also received substantial informal education on copyright, of a more general kind, through their exposure to a barrage of fear-inducing stories about intellectual property from the mass media, as a result of the entertainment industries’ campaigns against “piracy” in general and file sharing in particular. Newspaper articles about file sharing and copyright infringement cases are information resources for interviewees, as well as the FBI warnings at the beginning of films and the posted warnings at the photocopy store.

Media literacy educators also learn de facto from restrictive institutional policies, which typically go far beyond what the law requires. Today, in some schools, teachers must justify any use of video in the classroom, often through an elaborate formal process that involves several layers of approvals and reviews of the films or videotapes to be used. In many school districts, the principal or school district officials require that only videos that are supplied by or approved by the school's media committee be shown in classrooms. A professor described a policy at his college where the provost issued an ultimatum: only DVDs owned by the college can be used in the classroom, and under no circumstances can faculty use VHS tapes, off-air broadcasts, or DVDs from other sources. In one high school, the technology specialist refuses to let teachers use school equipment to screen videos unless they sign statements that they (and not the school administration) are legally liable for copyright violation. Some policies even discourage teachers from sharing curriculum resources with their students. For example, a university professor who created a compilation reel of clips for her course was not allowed to post it on the course-management software so students could view the clips to do their homework assignments. One educator explained that, in his previous job, he worked with an administrator whose interpretation of copyright was dramatically different than his own. The administrator placed severe limits on what could be photocopied for classroom use, limiting the teacher's ability to use newspaper articles and other printed materials.

In general, teachers found these restrictions burdensome. Many media literacy educators were particularly dismissive of something called the "45-day rule," derived from the 1981 guidelines, which states that video taped off-air should be erased or destroyed after 45 days. "I thought these rules were stupid," exclaimed one media literacy educator. "Nobody ever did follow this guideline. Because when you found something good—you kept it."

However, teachers engaged in these and similar practices often expressed concern that they were in violation of the law. Frequently, the only alternatives they were offered were foregoing a given use of media material or licensing the right to engage in it. But licensing copyrighted material does not appear to be an option among interviewees. Few participants in our study had a positive experience seeking permissions. A high school journalism teacher described how students wanted to use 15 seconds of a speech by President Bush in their high school yearbook video. They had videotaped the speech off-air. Students called the network and they wanted \$500 for the use of the clip. The teacher then pleaded directly with the company, and they said, "OK, but don't ever come back to us again." The frustrations of attempts to get permission lead many to avoid them. Said one educator, "People make mistakes when asking for permissions. You're almost guaranteed to have permission denied. It's standard practice not to ask."

In another case, Cyndy Scheibe described how she contacted *Newsweek* magazine to get permission to use cover images of the magazine in a curriculum entitled *Media Constructions of War*. "In addition to paying a hefty fee for each cover, they told us we needed to get permission from both the photographer and the subject of the photo—and we thought, 'We need to get permission from Ho Chi Minh and Osama bin Laden?'" After consulting with Ithaca College attorneys about the matter, they decided to claim fair use since their use of the images was clearly for the purposes of comment and criticism in an educational context. The college administration supported this decision.

HOW TEACHERS (MIS)UNDERSTAND FAIR USE

The majority of interviewees could not provide an accurate working definition of fair use. In their thinking, it often was confused with other issues. For instance, when asked about fair use, another teacher explained, "I emphasize that students must cite all sources." "It's a very vague definition," said another. Few interviewees reported receiving any formal information sessions on copyright and fair use. Strikingly, no interviewee reported receiving any education or training about fair use. Relatively few referenced the key concept of "transformativeness" in efforts to describe the doctrine. Some producers of media literacy curriculum materials and university teachers had a limiting, even harsh view of fair use. These people often dismissed fair use as limited because it is "only a defense." "If someone wants to sue me, fair use can defend me," one explained. Educators stressed that fair use is invoked only after a complaint of copyright violation has been brought forward. Several media literacy educators referred to the language of the Copyright Act, but different variations on it were offered. One described fair use as having "four layers of protection," citing (but seemingly misunderstanding the significance of) the factors stated in 17 USC Sec. 107 (character of the use, the purpose for which the original work was intended, the amount of the original work used, and the impact of the new work on the market for the original work). "This last point is the only one that really matters," explained several media literacy educators in our study, reflecting arguments they had learned from lawyers who provided advice to them on the issue. Many of these understandings, to a greater or lesser extent, limit the scope of fair use more narrowly than do the courts that have interpreted it.

By contrast, other interviewees took an overbroad and oversimplified view of the doctrine. They believed that fair use entitles them to use any type of copyrighted material for any use as long as it is, broadly speaking, for educational and noncommercial purposes. One teacher said, "With fair use, the sky's the limit." Many teachers expand the concept of fair use, one

participant explained. “From their point of view, everything they do is OK.” As one teacher expressed it, “People should be able to use anything they want if they don’t make a profit off it.” Another teacher explained that fair use enables them to use portions of copyrighted materials when it is cited properly, if the use is for educational purposes. “We have complete autonomy,” one explained.

On the whole, however, educators expressed considerable confusion about the application of the concept, and many of their uncertainties had to do with the acceptable length and duration of unlicensed use of copyrighted materials. Part of their uncertainty derives from guidelines defining fair use safe harbors, while part reflects information about various “rules of thumb.” Some of these are offered by books and Web sites written for educators and media specialists, which offer very conservative interpretations of educational use guidelines. Others appear to circulate by word of mouth. All amount to a kind of copyright folklore.

One teacher was told that, in order to avoid legal issues when using copyrighted material in a student video, it was better to use three short 10-second clips than one long 30-second clip. Others have told him that that rule is just a guideline, and not a “real” rule. For teachers and students involved in creating new materials that incorporated copyrighted material, many teachers believed that, as one teacher put it, “You can only use 10 percent of a film, TV show, or song.” Others told us it was OK to use four sentences of print, and 60 seconds of video.

Among educators who recognize the importance of fair use, a significant number believe that fair use protects the use of copyrighted materials in the classroom *only* when the purpose for their use explicitly emphasizes critical analysis. “I distinguish between the use of texts for analysis and deconstruction and the use of texts for the purpose of illustration, information or entertainment,” explains one media literacy educator. “Analysis is protected as part of fair use.” By contrast, the use of multimedia for its original purpose—as illustration, for information or entertainment—fell under the educational use guidelines, which this media literacy educator considered to be distinct from the concept of fair use.

Not all media literacy educators believed that fair use was limited to comment and criticism, however. Some believe that illustrative use of video materials is appropriate in the creation of media literacy materials. “A problem occurs only if the purpose of the new work is too close to the original intention of the original creators,” explained one teacher.

Other interviewees also believed that they can make extensive use of copyrighted material when relevant to the pedagogical task. Many media literacy educators believe that it is sometimes appropriate to use the whole text, for example, and not just an excerpt. For example, Dr. Brian Primack introduced media literacy to his students in an undergraduate honors public health class by playing the song “Alcohol” by country-western artist Brad Paisley when students are entering the classroom. Noticing their smiles and laughter, he begins the class by commenting on how music alters their mood. Then he passes out the lyrics, which touch on violence, marital breakup, unplanned pregnancy and job loss. Students experience what he calls a “media literacy moment” in reflecting on their own emotional responses to the song. He said, “I think it’s OK to use the song in its entirety, because we’re not just using it to set a mood. We’re using it to create an educational experience.” Similarly, Sut Jhally of the Media Education Foundation reported that, when making media literacy videos available for sale to educators, he does not hesitate to incorporate whole ads or news stories when it is relevant to the analysis.

Media literacy educators who understood fair use best recognized the importance of transformativeness in fair use, and for their work. “People should be allowed to repurpose copyrighted materials to make teaching tools or art,” one educator explained. “You have to change it—make something new,” offered another. Most media literacy educators who referenced transformativeness at all had a looser understanding of the concept, and more insecurity. “If I swap one song for another in a music video—to demonstrate the power of music—is that kind of transformation legal?” Others expressed understandings that do not square completely with the case law—and tended toward the overly restrictive. One educator defined transformation by considering two variables along an X-Y axis: duration and degree of alteration. The most acceptable uses are the ones in which these two factors intersect: “highly altered and short in duration are more acceptable than not at all altered and long in duration.”

In sum, with some notable exceptions, most participants in this research used copyrighted materials without fully understanding or accepting the potential of fair use to support their work.

HOW TEACHERS COPE

Much of what media literacy teachers are told about copyright does not match up with their pedagogical goals. Many of the teachers we interviewed feel trapped. This cognitive dissonance is resolved, in practice, by a combination of studied ignorance, clandestine transgression, and hyper-compliance.

See no evil. Media literacy educators experienced the copyright information they received as mostly negative, and mostly hampering their pedagogical goals. Some responded by attempting studied ignorance, believing that increased knowledge would impede their work even more. “If I knew what the actual laws were,” explained one educator, “I would probably be much more conservative.” One educator said, “I’ve learned not to ask about it.” “On this topic, ignorance is bliss,” another educator joked. One high school teacher said, “Most people are oblivious to the rules—this can create a paranoid environment for instructors.”

Teachers resolve cognitive dissonance with studied ignorance, quiet transgression, and hyper-compliance.

to take risks in the name of education.” In fact, disregard for the “45-day rule” was common among interviewees. Media literacy educators talked about their use of off-air resources that were clearly beyond the 45-day limit, including coverage of the 2000 Presidential campaign and the Clinton-Lewinsky scandal. Most teachers in our survey maintain substantial libraries of video resources—mostly excerpts of television programming—which they have gathered through taping off broadcast television.

Many media literacy teachers turn a blind eye to students using copyrighted material for classroom projects that they assume (without being able to guarantee, in a YouTube era) will not circulate outside the classroom. According to one teacher, “In my beginning production class, when students are learning editing, they can use copyrighted materials, since their production are only shown to the class for constructive criticism.”

Close the door. Quiet defiance of copyright norms (as understood), within the four walls of a classroom, is common. One teacher explained that when she asks the school librarian to record a television program for her, the librarian insists that it be returned and destroyed. “This is a little crazy, so now I record on my own. I’m willing

But presumed violations of copyright nag at the conscience of almost everyone who described engaging in them. The interviewees expressed enormous frustration, as most would far rather have been in compliance, in part because they want to teach by example. A high school video production teacher said, “Either they should loosen the restrictions or give the schools the budgets they need to be legal. [The current approach] forces you to be illegal.” Some rationalize what they themselves regard illegal behavior by saying that they are small fry in the marketplace, and copyright holders will not find them.

Hyper-comply. At the same time, some people—even some of the same people—also over-comply with copyright law, and even forego using legitimate teaching tools and techniques for fear of violating copyright. For example, several university professors said they avoid screening films and other copyrighted materials in large classes, because they are held in auditorium-like settings, raising questions for them of public performance (even though, in fact, such class screenings are specifically exempt under Section 110 of the Copyright Act). One said, “If there are only six graduate students, I don’t worry so much, but if there is a large class of 300 students, I’m very cautious about what to show.” She described her university as “very conscious” about copyright regulations. Regarding the use of video clips recorded off broadcast, another said, “In a classroom, it’s OK, but in an auditorium, it gets tricky.”

One professor said that she usually defers to the judgment of the gatekeepers at her university unless she finds some uniquely appropriate and effective piece of media at “the eleventh hour.” Not all teachers take such perceived risks. “For years, I have taught courses in journalism,” one high school teacher told us. “My students report on the problems at our school. Everyone would love to see me stumble,” he said, explaining why he must uphold the school’s policies on copyright to the letter of the law.

Another university professor used to put video clips of copyrighted materials online (using password-protected course-management software) so that students could see several clips to analyze film techniques. “It’s important for them to see the same clip several times, and even in slow motion,” to learn to recognize the interplay of lighting, camera, and sound techniques used to construct film and visual media. He recently stopped doing this because of his concerns about copyright violation.

MUSIC ANXIETY

Students want to use popular music in their own creative work, partly because they see their musical choices as part of who they are. "More than anything, music speaks to their identity," one teacher said. "Students are more invested when they can use music they relate to," explained another. But uncertainty about appropriate use of popular music creates confusion and de facto censorship. One teacher described an example of student work that came under scrutiny at a student film festival, where the work was disqualified because it used a music clip in a way that was seen not to be protected under fair use.

Lacking confidence in their ability to explain when using music is appropriate fair use, many teachers simply prohibit the use of popular music completely, requiring students to use only cleared or royalty-free music. Others require students to compose their own music using tools like GarageBand. Some allow students to use popular music for works that are intended as classroom exercises, but not for public display. Still others allow the use of popular music in student creative works if they actively manipulate it, by creating instrumental loops, altering the music by effects that slow it down or speed it up.

Several interviewees refuse to let students do any creative projects involving popular music, because of their fear of infringement. Other teachers discourage students from creating parodies because of their concern about the use of copyrighted materials. One teacher used to have students use online images gathered using a search engine to create multimedia presentations "until I learned that I was wrong. You have to get permission for the use of those images. Now I don't use them." No one had explained to her the possible application of fair use to this activity.

PEDAGOGICAL COSTS

The pedagogical costs of studied ignorance, quiet transgression, and hyper-compliance are many. The quality of the curriculum materials that teachers design is impaired; the work that is created, either by students or teachers, has limited circulation; and students learn copyright misconceptions.

Less effective teaching materials. Because many teachers are less familiar with the rapidly changing media tastes of adolescents, they depend on media literacy curriculum materials created by experts. However, these materials are scarcer than they need to be, in part because educators are not taking advantage of the rights that the fair use doctrine affords them.

Ryan Goble creates study guides that enable English teachers to use popular music to promote literacy skills. He has tried to get the rights to use lyrics from the Beatles and Kanye West, but the licensing costs were exorbitant. These

license holders wanted upwards of \$3,000, a price far out of the range of a small curriculum developer's budget. He explains, "It's difficult to find works that are complex enough, poetic enough, and interesting enough" to satisfy the instructional needs of high school English teachers while simultaneously appealing to teens. As a result of the high costs, "Some rich and exciting songs will be out of our price and never written up as curriculum for a mass teacher audience."

One teacher educator (someone who trains teachers in schools of education) is creating an online database of lesson plans developed by her students to illustrate how media literacy can be integrated into curriculum frameworks in English, social studies, health education and the fine and performing arts. Students use copyrighted materials from the Web in creating these lesson plans. Her school allows her to link but not download the original source material. For this teacher, this is a problem because "sites change so regularly, you have to constantly check on the validity." As a result, the potential impact of the site is limited because she doesn't have the time to continually update the links.

Bill Costanzo, author of *The Writer's Eye: Composition in the Multimedia Age* and many other books on writing and film, estimates that, over the years, "hundreds of pages of writing had to be deleted or changed" because he couldn't get permission to use copyrighted visual materials of mass media and popular culture. For instance, he had obtained permission to use a Jell-O commercial that was a parody of the film *The Godfather*, featuring Bill Cosby as the don and several children wearing carnations as his "goons." He planned to include it on the videotape accompanying the textbook as a lesson on parody. By the time the book was published, it was decided that all the multimedia materials would be made available online instead of on videotape. He had to get new permissions for the materials in order to distribute them in a different medium. Eventually, he cut the commercial from the multimedia materials.

Distribution hurdles. Copyright concerns make it harder than it needs to be for curriculum materials to circulate, either commercially or through informal networks. Regularly publishers, teachers, and administrators use rigid, narrow interpretations of copyright law, interpretations which ignore the opportunities that fair use provides. This affects both teacher curricula and student work.

Elizabeth Thoman, who runs the Los Angeles-based Center for Media Literacy, has had numerous conversations with publishers about the materials created by her organization. Fair use doesn't convince educational publishers because "if they are owned by a large corporation,

their legal departments won't take the risk." She described her efforts in the late 1990s to interest a publisher in distributing their acclaimed media literacy curriculum "Beyond Blame: Challenging Violence in the Media." An educational publisher that was owned by CBS expressed interest in the curriculum. However, they ultimately declined to publish and distribute it because of uncertainties around copyright clearance of the video clips included in the program. "In the end, they simply would not accept the fair use principle." Because of these limitations, she asserts, "It has been hard for the field to grow."

Teacher educators want to put media literacy materials into the hands of teachers but feel thwarted by copyright restrictions. Teacher educator Faith Rogow said, "If [another teacher and I are] talking about teaching media analysis skills to students, I can say, 'I found this ad--and it works really well.' I can't share that clip with them, though—and that's a shame. If I can hand them examples that they can use, that would be better." One teacher is careful never to place her Powerpoint slides or other materials she uses in her media literacy workshops online, for fear of copyright infringement.

Although digital innovations now permit unprecedented, low-cost distribution, teachers using media for critical thinking are often not benefiting from it. Teachers avoid posting lesson plans that use copyrighted materials online, for instance. One teacher developed an assignment where students created elaborate multimedia presentations, with images, sound, and film clips. He wishes he could share them online with other teachers who are interested in media literacy, but he said, "I was advised not make them available online because I may get in trouble." Many teachers are unable to use Web sites like YouTube in the classroom because of restrictions on accessing such sites in place at the district level. Few media literacy teachers interviewed are actively involved in distance learning or online multimedia education because of concerns about copyright violation.

Production is a typical pedagogical technique for media literacy, but although (as one educator pointed out) students "want to speak to a wider audience," copyright concerns commonly prevent them from getting the feedback they might receive if their productions could be circulated beyond the classroom. Nor can students develop their own critical capacities by seeing and critiquing the work of their fellows around the country. Many media literacy teachers believe that the law offers particular protection in face-to-face educational settings that may (or may not) apply when work is exhibited in other venues. As a result, when students' classroom work contains copyrighted material, it usually cannot circulate, either to be critiqued or to be emulated.

One teacher was told by the technology specialist in her school that her students' media projects could not make any use of copyrighted clips if the program was to appear on the local cable access station in their community. In another case, a professor has undergraduate students work with public school children to produce short documentaries related to their schools. However, the professor will only post them to her Web site if students make absolutely no use of copyrighted work.

Even communication within the school community is thwarted by restrictive perceptions of copyright. One interviewee's students videotape in the hallways, where other students inevitably "ham it up." Students then edit together this footage over all different kinds of popular music, in order to explore how the music changes the meaning of the images, for a project called "Ham Cam." "But we don't broadcast these things over the air or even in our school intranet," he said. "I think it might be illegal to broadcast popular music—even over the closed circuit school network."

Many of the media literacy educators we interviewed discourage students from creating works that incorporate film and video excerpts, especially for works created for festivals or competitions. "Students can't use copyrighted music—or video—for work intended for competition," one teacher explained. Few student media productions submitted to festivals include a focus on critical analysis of popular culture—the core learning focus of media literacy.

Misinformation perpetuated. Teachers communicate their own copyright misinformation to the next generation.

Few media literacy teachers in our study included a focus on copyright and fair use in their teaching—although some expressed a wish to do so. Most say that they themselves "don't know enough" to teach about the topic. Only one teacher in our study described how he explores the issue of copyright and fair use, using multiple perspectives on the issue and "not spoon-feeding students what they should think about it." In a context which introduces the history of copyright, media concentration/ownership, and ethical decision making, his students have active dialogue about copyright and form their own opinions about it.

Others communicate ad-hoc, groundless rules of thumb—and then let students ignore them. For instance, one teacher lets her middle-school students get their material from the Internet but does not let them use *any* clips from DVD movies in their video productions. Her

general rule for copyrighted materials is: “If you have to pay to use or see it, you shouldn’t use it.” However, she acknowledges the real limitations of this approach, stating, “If you told them not to use any copyrighted material, they wouldn’t have anything to work with.”

The examples teachers set can be confusing. Some teachers apply different standards for different courses, requiring students to seek permissions in some courses but not in others, without explaining the logic of it to students. One teacher allows students to use copyrighted materials in their own creative work in a visual literacy class, “because we’re analyzing media.” But for film and video production classes, “students need to go by broadcast standards and get permissions for all work.” Students may indeed need to get permission for many kinds of copyrighted material, and they may also be able to apply fair use in some circumstances. By failing to discuss the rationale for this hard-line distinction, this teacher misses an opportunity to introduce students to a critical perspective on copyright.

Teacher educators who were interviewed felt especially torn between their interest in promoting the value of media literacy education and their responsibility to communicate the educational use guidelines in ways that meet the expectations of the students’ future colleagues and peers. For example, one teacher educator explained how, when she introduces pre-service education students to copyright issues, she uses school district policy documents, which discourage them from developing innovative uses of multimedia and digital media for the classroom. “Students have to learn all the rules of the university as well as the school district policies they will be working in,” she said. “That makes students super cautious” about using audio-visual and digital media as tools to promote critical thinking and communication skills.

CONCLUSIONS AND RECOMMENDATIONS

Educators have lacked the ordinary assurances of fair use in practice, and they have been given in its place a complex set of strictures that inhibits their pedagogy. “In the end, copyright rules tend to turn teachers off, rather than encourage them to do the best job they can,” explained one of our interview subjects.

It is time for media literacy education to move beyond outworn “guidelines” and dubious “rules of thumb.”

As a result, they fail to develop the most effective teaching materials, they transmit erroneous and contradictory copyright information, and they fail to take advantage of new communications technologies.

It doesn’t have to be this way. Media literacy educators have

an opportunity to take greater control of their own situation, by addressing the issues of copyright in general, and fair use in particular, directly.

First, the media literacy education community needs to **educate itself further about the clear and unambiguous use rights that its members already enjoy under copyright law**, including the important exemption in the Copyright Act for the use of audiovisual materials in the course of “face-to-face” teaching.

Second, there is an urgent need to **develop and disseminate a code of practice** for the fair use of copyrighted materials by media literacy educators, based on collective discussions of the ways in which educators actually do and reasonably could use such materials, consistent with the law. It is time for media literacy education to move beyond outworn “guidelines” and dubious and even unhelpful “rules of thumb.” The imprimatur of leading professional associations on a new articulation of codes of practice would provide crucial legitimacy.

A comprehensive and balanced statement of this kind would have the following purposes: (1) to educate media literacy educators themselves about how fair use applies to their work; (2) to persuade gatekeepers, including school leaders, librarians, and publishers, to accept well-founded assertions of fair use in place of affirmative rights clearance; and (3) to promote revisions to school policies regarding the use of copyrighted materials that are used for media literacy education; (4) to discourage copyright owners from threatening or bringing lawsuits

relating to media literacy education, and (5) in the unlikely event that such suits were brought, to provide the defendant with a basis on which to show that her or his uses were both objectively reasonable and undertaken in good faith.

The “best practices” approach has been used with some success in other disciplines. The most striking example is the recent experience with the *Documentary Filmmakers’ Statement of Best Practices in Fair Use*. In the field of nonfiction production, this 2005 document was a testament to the power of collective self-help and accessible scholarship. Documentary filmmakers, acting through their organizations and with coordination and support from academics at American University, have asserted common principles for the application of fair use under copyright. In so doing, they have made fair use—the right to quote copyrighted material without permission or payment, under certain circumstances—far more widely available.

In order to help filmmakers to establish such a consensus, communications professor Patricia Aufderheide and law professor Peter Jaszi worked with five filmmakers’ organizations to convene 13 consensus-building meetings. The resulting *Statement* deals with four recurrent situations in documentary filmmaking practice: quotation of copyrighted material for purposes of critique; quotations of popular-culture works to illustrate an argument; incidental capture of media content as a fact of the lives of a film’s subjects; and the use of copyrighted material in historical narrative.

The balanced nature of the *Statement*, as the product of a community with stakes both maintaining copyright and allowing for reasonable levels of access to protected material, has made the document powerfully persuasive. Following its release, the *Statement* had an immediate effect. Filmmakers themselves, commercial networks, and the Public Broadcasting System all refer to it on a regular basis. Perhaps the most powerful evidence of the transformation that the *Statement* has helped to work is the fact that most of the insurers who offer errors and omissions insurance to filmmakers are now offering to cover appropriately documented fair use claims.

The *Statement* has made films that formerly would have been treated as too risky for broadcast or other distribution—such as controversial works of social or media criticism or certain historical documentaries—available to viewers today. It has permitted filmmakers to portray reality as they see it without compromise. And it has encouraged producers to pursue film projects that otherwise would have been abandoned. The filmmakers’ example is one that the media literacy education community can build upon.

APPENDIX

RESEARCH METHODOLOGY

Interviewees were recruited through national organizations, including the Action Coalition for Media Education (ACME), Alliance for a Media Literate America (AMLA), the National Council of Teachers of English (NCTE), the Student Television Network (STN), and organizations such as National Alliance for Media Arts and Culture (NAMAC) and Youth Media Reporter (YMR). Interviewees ranged in experience from 3 to 20 years of practice. They included teachers, producers, and organizational leaders.

The interview, approximately 45 minutes or longer, usually by phone, consisted of open-ended questions organized into three broad categories: 1) how teachers use copyrighted materials in the classroom or other educational setting for educational purposes; 2) how their students use copyrighted materials in their own creative work; and 3) how teachers use copyrighted materials in their curriculum development, materials production, or other creative work. Although interviewee participation is acknowledged (see the complete list of participants in Appendix B), we promised not to identify comments with specific names in order to encourage full disclosure where they faced ambiguity or uncertainty about whether their own practices fell within the law. Where specific individuals are named, we have received explicit permission from them.

Researchers included Bryan Baker, Katie Donnelly, Renee Hobbs, Juliet Hutchings Lewis Hyde, Krystin McBrien, Kelly Mendoza, Tina Peterson, and Diane Varner.

INTERVIEWEES

Virginia Alford teaches media and English at MacArthur High School in San Antonio.

Fred Avery teaches high school video production in Norman, Oklahoma.

Frank Baker is an independent consultant who instructs teachers on media literacy curricula and manages an online media literacy clearinghouse at www.frankbaker.com.

Neelajana Banerjee is the editor of *Youth Outlook’s (YO!) multimedia magazine*.

Angie Bardin is an elementary school librarian and media specialist at Oak Pointe Elementary School in Irmo, South Carolina.

Jan Bartley is a teacher in the Fulton County School District in Georgia.

Erik Blankinship is a PhD candidate at the MIT Media Laboratory. He is also cofounder of Media Modifications, a start-up whose mission is to expose and enhance the structure of media to make its full learning and creative potential accessible to all.

Krista Boivie is a teacher at Durango High School in Las Vegas.

David Bruce is an assistant professor in the department of Teaching, Leadership, and Curriculum Studies at Kent State University, and director of the Media Commission of the National Council of Teachers of English (NCTE).

Sharese Bullock is the strategic partnerships and marketing manager for Listen Up! Youth Media in New York.

Jeremy Butler has taught television, film, and new-media courses at several universities. He has developed several educational resources for film and TV studies, including Screen-L and Screensite. His textbook *Television: Critical Methods and Applications* is in its third edition (2006).

Jim Castonguay is a professor at Sacred Heart University and the 2005 recipient of Sacred Heart University’s Marian Calabrese Outstanding Faculty Award.

Kara Clayton is a media production and mass media teacher at Thurston High School in South Redford, Michigan. A former AMLA board member, she received a grant from the Annie E. Casey Foundation to take part in developing a media arts program designed to improve race relations.

Bill Costanzo is a textbook author and a professor of English and film at Westchester Community College in Valhalla, New York. He is the director of the College Writing Center and of the Friday Night Film Series. He has written several textbooks on film studies and writing, the most recent of which is *The Writer's Eye: Composition in the Multimedia Age*.

Rhys Daunic is cofounder of Dtek Digital Media and The Media Spot. Both organizations promote and facilitate media literacy programs in Atlanta, Gainesville (Florida), and New York City. He is also a contracted consultant for integrating digital technology in the classrooms throughout New York City.

Belinha De Abreu is an auxiliary assistant professor at Drexel University. She is currently completing her PhD in curriculum and instruction at the University of Connecticut.

Peter DeBenedittis is a media literacy educator who offers workshops to K-12 students, educators, and community leaders. He has consulted for the Centers for Disease Control, the American Medical Association, and the White House Office on Drug Control Policy. He was featured in a recent episode of the CBS news magazine *48 Hours* for his work teaching media literacy.

Jon Denenberg is a digital media training instructor at Youth Empowerment Services (YES) in Philadelphia, where he teaches media production to at-risk youth.

Juan Devis is a new-media producer for KCET/PBS in Los Angeles.

Bobbie Eisenstock is a lecturer at the Department of Journalism at California State University-Northridge. She is the director of the California Campaign for Kids' TV and a consultant to the Center for Media Education, American Academy of Pediatrics, and Mediascope.

John Forde is the host and producer of *Mental Engineering*, a weekly television show that features roundtable discussions about television commercials and commercial culture.

Carolyn Fortuna is a teacher at Franklin High School. She is working on her PhD through a joint program offered by the University of Rhode Island and Rhode Island College's Feinstein School of Education and Human Development.

Ryan Goble is a PhD candidate at Columbia Teachers College and a curriculum coordinator at Banana Kelley High School in South Bronx. He is also the founder of Mindblue Productions, which evolved in 1997 from his master's thesis on improving education through the arts and popular culture.

Adam Goldstein is an Ethics and Excellence in Journalism Foundation attorney advocate. He is currently on staff at the Student Press Law Center.

Eric Gordon is an assistant professor in the Department of Visual and Media Arts at Emerson College in Boston. He is also one of the principal designers of the social software application Mediabase, which allows for the sharing, combination, and manipulation of media objects in a networked environment.

Peter Gutierrez is a curriculum developer who has created an online database of annotated visual media in order to help teachers use visual media more effectively in the classroom.

Margaret Hagood is an assistant professor in the Department of Elementary and Early Childhood Education in the School of Education at the College of Charleston in Charleston, South Carolina. She is the coauthor of *Popular Culture in the Classroom: Teaching and Researching Critical Media Literacy*, published by the International Reading Association.

Greg Harris is an English and film teacher at New Trier High School in Chicago, where he directs the writing center. He has been a member of the media commission for the National Council of Teachers of English for six years.

Denise Jennings founded Youth Media (now known as Youth Media Lab) in Oakland, California, 13 years ago. As part of Youth Media Lab's partnership with the Oakland Unified School District, Jennings trains high school students in television and film production. She is also an independent television producer for commercial television stations.

Amy Peterson Jensen teaches film and video production and media education at Brigham Young University. A board member of the AMLA, she also leads the Media Education Database initiative, which is a growing online resource for media educators in public schools and for families.

Sut Jhally is a professor at the University of Massachusetts and the founder and executive director of The Media Education Foundation. He has also produced many films dealing with issues from commercialism and popular culture to violence and gender.

Angela Beumer Johnson is a professor at Wright State University in Dayton, Ohio.

Robert Kenny is an associate professor at the University of Central Florida. He is the author of *Teaching Television Production in a Digital World*, published in 2001.

Robert Kubey is a professor of communications at Rutgers University and the director of their Center for Media Studies.

Mark Latonero is an associate professor in the Department of Communications at Cal State Fullerton where he teaches and researches technological, political, and economic dimensions of remix culture and the use of Creative Commons licenses.

Wendy Levy is the director of Media Arts and Education at the Bay Area Video Coalition (BAVC). Joanne Lisotsky teaches at Pacific Lutheran University, where she also advises the student newspaper.

Perry McLeod teaches digital media technology and history at Richland Northeast High School in Columbia, South Carolina. In collaboration with his history students, he has produced several oral history video documentaries incorporating interviews with local

war veterans. He won the Time-Warner Crystal Apple Teacher Award two years in a row for his documentary work.

Sarah Menke-Fish is a professor of communication at American University in Washington, D.C.

Alan Michel is the cofounder and director of Home, Inc., in Boston, whose mission is to teach video production and media analysis to educators and youths.

Cathy Nelson is a media specialist at Southview Middle School in Edina, Minnesota.

Diane Nerwen is a teacher in the Westchester, New York, school district. She is also an independent filmmaker whose work has been shown in many film festivals and other exhibitions; her 2003 film *The Thief of Baghdad* was recently shown at the Tate Modern gallery in London.

Darrell Newton teaches mass communications, media literacy, media and cultural studies, and broadcast writing at Salisbury University.

Les Nicholas teaches English and journalism at Wyoming Valley West School District in Pennsylvania. He was honored for his achievements as Pennsylvania Teacher of the Year, as one of this year's winners of the annual award bestowed by Disney on outstanding educators, and as this year's recipient of the University of Pennsylvania's Educator of the Year award.

Nicole Opper is a filmmaker and media educator with the Hannah Senesh Community Day School of Brooklyn, New York.

Jan Owens is a media specialist in the Fulton County School District in Georgia.

Brian Primack is an assistant professor of medicine at the University of Pittsburgh School of Medicine. He combines his expertise in education, technology, human development, and medicine by researching the effect of the mass media messages on health. He was named New Investigator of the Year in 2006 by the Society of Adolescent Medicine.

Martin Rayala is a member of the editorial board of the *Journal of Media Literacy*. He is currently a professor of art education at Kutztown University in Kutztown, Pennsylvania.

Susan Rogers is editor and publisher of medialiteracy.com, a Web resource that promotes media literacy and offers resources for teaching it.

Faith Rogow creates outreach materials designed to help people use media for educational purposes in a wide variety of contexts. Past president of the AMLA, she designs and implements trainings for teachers, media professionals, and child care providers.

Elana Rosen is cofounder of the Just Think Foundation, a nonprofit organization dedicated to media education. She is the author of *Changing the World through Media Education* and received an Emmy nomination for the documentary *Czeslaw Milosz: A Poet Remembers*.

Cyndy Scheibe is the director and founder of Project Look Sharp (PLS), a media literacy program at Ithaca College in Ithaca, New York, that provides materials, training, and support to help teachers prepare students for life in today's media-saturated world.

Judy Schwartz is a lecturer in the Communications Department at Boston College and the station coordinator for the student radio station, WZBC radio.

Sharon Sellers-Clark is a professor of education at Wayne State University. She also sits on the Board of Directors of the Alliance for a Media Literate America.

Caleb Smith teaches video and film production for the Capital Area School for the Arts in Harrisburg, Pennsylvania. He also operates Moviate, a film organization that screens independent films in Harrisburg, facilitates an annual film festival, and operates a week-long film camp in the summer for at-risk children.

Daniel Storchan is currently managing and implementing the Voices and Choices program for Teaching Matters. He is also working as a resident technology integration specialist, for Marta Valle Secondary School on the Lower East Side.

Lynne Sueoka teaches English and broadcast journalism at Moanalua High School in Honolulu, Hawaii. She is also a staff member of the school's Media Learning Center.

Alan Teasley serves as director of staff development for the Durham, North Carolina, Public Schools and is an adjunct assistant professor in Duke University's graduate and undergraduate teacher education programs. He coauthored *Reel Conversations: Reading Films with Young Adults* (Young Adult Literature) with Ann Wilder in 1997. He also serves on the Board of Directors of the Center for Documentary Studies at Duke University.

Elizabeth Thoman founded *Media & Values* magazine in 1977. She is one of the founders of the Partnership for Media Education, now the Alliance for a Media Literate America (AMLA). She is currently a board member and corporate officer for the AMLA.

Heather Tillberg-Webb recently completed her doctorate in instructional technology. She is a visiting assistant professor in the Communication Department of Elizabethtown College in Elizabethtown, Pennsylvania.

Joyce Valenza is the librarian at Springfield High School in Pennsylvania. For many years, she had a biweekly column in the *Philadelphia Inquirer* called "Tech Life @ School." Her blog is among the five most widely read among library media specialists in the United States.

Heidi Whitus is a teacher at Communication Arts High School in Austin, Texas.

Rob Williams is a Vermont-based musician, historian, consultant, and media educator-maker who teaches history and media studies courses at Champlain College and Sacred Heart University, runs a media education and video production organization called MemeFILMS, and has served as board president of the Action Coalition for Media Education since 2002.

Media Education Lab TEMPLE UNIVERSITY®

The Media Education Lab, founded by Professor Renee Hobbs, improves media literacy education through scholarship and community service. The lab is a project of the School of Communications and Theater at Temple University in Philadelphia, Pennsylvania.



The Program on Information Justice and Intellectual Property, led by Professor Peter Jaszi, promotes social justice in law governing information dissemination and intellectual property through research, scholarship, public events, advocacy, and provision of legal and consulting services. The program is a project of the Washington College of Law at American University in Washington, D.C.



The Center for Social Media, led by Professor Patricia Aufderheide, showcases and analyzes media for social justice, civil society and democracy, and the public environment that nurtures them. The center is a project of the School of Communication, led by Dean Larry Kirkman, at American University in Washington, D.C.

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